

REGULAR CITY COUNCIL MEETING

JUNE 29, 1983

PRESENT

Grant Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Vance Bishop
Dorothy Jeffery
Warren Peterson
Greg Cooper
Sherri Terrell
Stan Robison
Mike Van
George Van
JoAnn Ross
Richard Ross
Margene Anderson
Fred Anderson
Gary L. Nielson
Dallin Gardner
Denise Nelson
Gregory Nielson

City Administrator
City Recorder
City Attorney
City Chief of Police
City Secretary

Southland Corporation

Robison Hill & Co.

Mayor Nielson called the meeting to order at 8:03 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Regular City Council Meeting held June 20, 1983, were presented and corrected by the Council. Councilman Dafoe made a MOTION to accept the minutes as corrected. Councilman Morrison SECONDED the motion, which passed unanimously.

The minutes of a Special City Council Meeting held June 27, 1983 were presented and corrected by the Council. Councilman Bennett made a MOTION to

accept the minutes as corrected. Council Member Hansen SECONDED the motion, which passed unanimously.

ACCOUNTS PAYABLE

The accounts payable were not prepared for this week. They will be presented at the next regularly scheduled City Council meeting.

AMENDMENTS TO 1982-83 FISCAL YEAR BUDGET

Greg Nielson, City Auditor, presented the proposed amendments to the 1982-83 Fiscal Year Budget and discussed the changes with the Council.

City Administrator Bishop stated that the proposed amendment carried over surplus monies to the Emergency Fund as allowed by State Law. He also stated that the amendment creates two capital project funds. One for the City Building and one for the Library. Surplus revenues have been transferred into these funds.

The Council reviewed and corrected the proposed ordinance amending the 1982-83 Fiscal Year Budget.

Councilman Dafoe made a MOTION to adopt Ordinance No. 83-62, as corrected, entitled:

AN ORDINANCE AMENDING THE 1982-83 FISCAL YEAR BUDGET AND
CREATE CAPITAL PROJECT FUNDS FOR THE CITY HALL AND CITY
LIBRARY.

Council Member Hansen SECONDED the motion. The Mayor asked for a roll call vote.

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Following the voting Ordinance 83-62 was signed by the Mayor and attested by the City Recorder.

DISCUSSION OF WHITE SAGE RETENTION BASIN

City Administrator Bishop presented the requested changes that IPP would like to make to the City's requirements on the White Sage Retention Basin. The Council discussed the changes and instructed City Administrator Bishop to direct IPP that the City agrees with their recommendation not to have a gate on the inlet box, that there is no need for the basin to be lined with bentonite clay, and that a larger aggregate be used. The Council insists that the Retention Basin area is to be fenced with a wide gate which can be locked and unlocked.

SOUTHLAND CORPORATION APPLICATION FOR A
CLASS A BEER LICENSE FOR A 7-11 STORE

City Administrator Bishop referred the Council to Police Chief Cooper's memorandum requesting from the Council a definition of the term "proximity" with regard to granting of Class A Beer Licenses for which application was made prior to the effective date of Ordinance 83-61.

Council Member Hansen stated that the property of the applicant applying for a Class A Beer license and that of a church and a school are adjacent to one another.

City Attorney Peterson stated that the Utah Code states that no beer shall be sold in proximity of a church or a school. He stated an opinion that adjacency would constitute proximity, but that the definition of proximity is left to the body granting the license.

Councilman Morrison stated that the City needs to look at Ordinance No. 83-61 as the standards we want to set in our City.

Dallin Gardner, Real Estate Broker for the present owners of the proposed store site, stated that Southland Corporation has tried to acquire a site in Delta for quite some time. They would be a good business to come into this community.

Mayor Nielson asked Mr. Gardner if he had a Delta City Business License for real estate sales.

Mr. Gardner stated that he did not.

Mayor Nielson advised Mr. Gardner to purchase a business license before doing business within the City limits.

Mr. Gardner said he would.

Mr. Gardner stated that the Ordinance was not in effect at the time the beer license was applied for. He stated that if the license were to be turned down, it would do damage to the value of the property.

George Van, City Businessman, stated that he and his son had tried to start a business on this lot, but they were told by the Council that they could absolutely not acquire a beer license at that location. He stated that he didn't think that it was fair to turn down a local businessman for a beer license and give a beer license to a big company that just came into the community. This would put the small businessman out of business.

City Attorney Peterson stated that according to the state statute that no beer license can be issued for this location. He gave his sound opinion that adjacency was proximity, that under the law the City should not issue a Class A Beer License to Southland Corporation at this location.

Gary Nelson, Southland Corporation, stated that proximity was defined in other cities as from front door to front door, or from building to building. He stated that they do have stores located across the street from schools.

City Attorney Peterson stated that Chief Cooper could finish his investigation after given direction from the Council.

Councilman Morrison made a MOTION for Chief Cooper to complete his investigation using standards as stated in Ordinance No. 83-61. Councilman Bennett SECONDED the motion, which passed unanimously.

APPOINTMENT OF JUSTICE OF THE PEACE

Mayor Nielson stated that he had talked to Stan Robison and he felt like he would like this position as Justice of the Peace. The Mayor stated that City Attorney Peterson had met with Mr. Robison and reviewed the duties that were required.

Mr. Robison stated that he did understand the duties and would do them to the best of his ability.

Council Member Hansen suggested that the Justice of the Peace attend the Convention for the League of Cities and Towns.

Mayor Nielson recommended Stanley Robison for Delta City Justice of the Peace.

City Administrator Bishop stated that the City had previously paid a \$300. month salary for the Justice of the Peace.

Mr. Robison stated that \$300. a month would be just fine. He stated that he was doing this as a service, not for the money.

Councilman Bennett made a MOTION to appoint Stanley Robison as Justice of the Peace starting July 1, 1983 until the present term expires in February 1984. Council Member Hansen SECONDED the motion, which passed unanimously.

RESOLUTION TO DECLARE THE CORPORATE LIMITS AS A COMMUNITY DEVELOPMENT AREA

The Council discussed the proposed resolution to declare the corporate limits as a community development area.

Council Member Hansen made a MOTION to adopt Resolution No. 83-91, as corrected, entitled:

A RESOLUTION TO DECLARE THE CITY OF DELTA, UTAH AS A
DESIGNATED COMMUNITY DEVELOPMENT AREA.

Councilman Bennett SECONDED the motion. The Mayor asked for a roll call vote.

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

Following the voting, the Resolution was signed by the Mayor and attested by the City Recorder.

DELTA WEST STAKES REQUEST FOR ASSISTANCE ON IRRIGATION DITCH
RUNNING THROUGH CHURCH PARKING LOT AT 200 WEST 200 NORTH

Glen Swalberg, President of the Delta West Stake LDS Church, stated that the ditch running underneath the ball field had been redone, but the ditch running underneath the parking lot had not. He stated that it had terrible leaks.

President Swalberg asked if it would be okay to replace the pipes running underneath the parking lot of the church, would the City engineer the work, and would the City approve a cost share basis? The estimated length is 80 - 100 feet.

Councilman Bird made a MOTION for Delta City to do the work on the irrigation ditch running underneath the church parking lot at 200 West and 200 North, after which the city would review the budget and bill the church accordingly. Councilman Morrison SECONDED the motion, which passed unanimously.

OTHER BUSINESS

City Administrator Bishop stated that IPP wanted to finish the Impact Alleviation Meeting of June 23rd that was cut short because of the flooding. IPP would like to reschedule a meeting on the 6th or 7th of July. He stated that capital expenses were discussed and need to be in effect if IPP changes to cover the Use Tax as their Impact Alleviation. He asked for the Council's direction on the matter.

Councilman Morrison stated that he felt that more would be accomplished if the Council were to choose a representative from the Council Members to attend the meetings along with the Mayor and City Attorney.

Councilman Bird made a MOTION to establish a negotiating team to meet with IPP, with Councilman Morrison representing the Council, the Mayor, the City Attorney, and anyone else the Mayor would like to have sit in from time to time. Councilman Bennett SECONDED the motion, which passed unanimously.


Mayor Nielson stated that the Council Members whose terms run out this year need to refile by the 23rd of August if they intend to run for City Council Member again.

City Attorney Peterson stated that he felt Delta City was in need of an Appeals Board. He stated that it should be set up with three members from the City Employees and two members from the City Council.

Attorney Peterson stated that he would prepare an ordinance for the next City Council Meeting.

Mayor Nielson stated that the City people should be recognized for their contribution on the flood situation, especially Neil Forster and Ron Dawson.

Councilman Bird made a MOTION to adjourn. Councilman Dafoe SECONDED the motion, which passed unanimously. The Mayor adjourned the meeting at 10:23 p.m.


GRANT S. NIELSON, Mayor

Attest:

DOROTHY JEFFERY
Delta City Recorder

SPECIAL CITY COUNCIL MEETING HELD JULY 5, 1983

PRESENT:

Grant Nielson
Max Bennett
Don Bird
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member